

SUPREME COURT OF MISSISSIPPI

Williams v. State

53 So. 3d 734 (Miss. 2010) · Decided November 10, 2010

SUMMARY

The Mississippi Supreme Court reviewed David Jackson Williams’s murder conviction arising from the death of Demetria Bracey. The court held that the trial court erred by refusing to give an assisted-suicide instruction as a lesser-nonincluded offense because the evidence supported the instruction, and it reversed the convictions and sentence and remanded for a new trial.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| COURT                 | Supreme Court of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Carlson, Presiding Justice; Carlson; Chandler; Dickinson; Graves; Kitchens; Lamar; Pierce; Randolph; Waller                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| JURISDICTION          | Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| DECIDED               | November 10, 2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | After the Court of Appeals affirmed Williams's murder conviction and life sentence, the Mississippi Supreme Court granted certiorari and reviewed the refusal to give an assisted-suicide lesser-nonincluded-offense jury instruction.                                                                                                                                                                                                                                                                                                                                   |
| STANDARD OF REVIEW    | For a requested lesser-included or lesser-nonincluded-offense instruction, the evidence must be viewed in the light most favorable to the accused, with all reasonable favorable inferences drawn in the accused's favor. An instruction is required if some evidence supports the lesser offense and a hypothetical reasonable jury could find the defendant guilty of that offense while acquitting him of at least one essential element of the greater offense. The Supreme Court does not weigh the evidence when determining whether the evidentiary basis exists. |
| PRECEDENTIAL VALUE    | Published Mississippi Supreme Court opinion; binding precedent in Mississippi.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | David Jackson Williams v. State of Mississippi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## TOPICS

lesser included offense instructions

jury instructions

criminal procedure

appellate procedure

evidence

## PRACTICE AREAS

criminal law

criminal procedure

appellate law

## QUESTIONS PRESENTED

1. Whether the trial court erred by refusing to instruct the jury on the lesser-nonincluded offense of assisted suicide.
2. Whether the evidence, viewed in the light most favorable to Williams, provided an evidentiary basis for the assisted-suicide instruction.

## HOLDINGS

1. A defendant is entitled to an instruction on a lesser-nonincluded offense when the offense arises from the same operative facts as the charged offense and the record contains an evidentiary basis for the instruction.
2. The trial court reversibly erred by refusing Williams's assisted-suicide instruction because, viewing the evidence favorably to Williams, a reasonable jury could find that he advised, encouraged, abetted, or assisted Bracey in committing suicide.
3. The refusal to give the assisted-suicide instruction was reversible error requiring reversal of the murder conviction and life sentence and a new trial.

## KEY QUOTATIONS

*“If a lesser offense, as opposed to a lesser-included offense, arises from the same operative facts and has an evidentiary basis, we have held the defendant is entitled to an instruction for the lesser charge the same as if it were a lesser-included charge.” (at 740-41)*

*“There must exist “some evidence regarding the lesser included offense.”” (at 741)*

*“A person is guilty of assisted suicide if “in any manner” he or she “advises, encourages, abets, or assists another person to take” his or her life.” (at 744)*

*“Because of the broad language of the assisted-suicide statute as well as our existing standard of review concerning whether a trial court should give an instruction on a lesser-nonincluded offense, we are constrained to find that the learned trial judge in today’s case committed reversible error in failing to instruct the jury on the lesser-nonincluded offense of assisted suicide.” (at 746)*

## FACTUAL BACKGROUND

Williams and Demetria Bracey were romantically involved and, according to evidence admitted at trial, had discussed and entered into a suicide pact. Bracey died in Williams's apartment from a knife wound to her heart, and Williams told police that she had stabbed herself while he attempted suicide at the same time. The evidence

included conflicting forensic testimony regarding whether Bracey's death was homicide or suicide, along with evidence that Williams helped Bracey withdraw money, supplied alcohol and knives, and provided the location for the purported suicide pact.

## PROCEDURAL HISTORY

Williams was indicted by a Lafayette County grand jury for murder, tried, convicted, and sentenced to life imprisonment. The Court of Appeals affirmed. The Mississippi Supreme Court granted certiorari, held that the trial court reversibly erred by refusing an assisted-suicide instruction, and reversed and remanded for a new trial.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The case was remanded to the Lafayette County Circuit Court for a new trial consistent with the opinion, including proper consideration of an assisted-suicide lesser-nonincluded-offense instruction.

## CASES CITED

- Williams v. State, 53 So. 3d 761 (Miss. Ct. App. 2009), reh'g denied Apr. 20, 2010
- Williams v. State, 39 So. 3d 5 (Miss. 2010)
- Brooks v. State, 18 So. 3d 833, 839-40 (Miss. 2009)
- Moore v. State, 799 So. 2d 89, 91 (Miss. 2007)
- Griffin v. State, 533 So. 2d 444, 447-48 (Miss. 1988)
- Boyd v. State, 557 So. 2d 1178, 1181 (Miss. 1990)
- Mease v. State, 539 So. 2d 1324, 1329-30 (Miss. 1989)
- Harper v. State, 478 So. 2d 1017, 1021 (Miss. 1985)
- Anderson v. State, 571 So. 2d 961, 964 (Miss. 1990)
- McGowan v. State, 541 So. 2d 1027, 1028-29 (Miss. 1989)
- Green v. State, 884 So. 2d 733, 737 (Miss. 2004)
- Brown v. State, 39 So. 3d 890, 900 (Miss. 2010)
- Dora v. State, 986 So. 2d 917, 921 n. 8 (Miss. 2008)